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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/344,261 06/25/99 WU

C WLI4

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PO BOX 270930
LOUISVILLE CO 80027

WM02/1107

EXAMINER

CRAVER, C

ART UNIT	PAPER NUMBER
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2681

DATE MAILED:

11/07/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

59

Office Action Summary

Application No.
09/344,261

Applicant(s)
Wu

Examiner
Charles Craver

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 2, 5-7, 10, and 11 is/are rejected.

7) ☒ Claim(s) 3, 4, 8, 9, 12, and 13 is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: ☐ approved ☒ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Urabe.

Regarding claim 1,

Urabe discloses a subscriber device for providing location dependent system access,
comprising

means for storing data indicative of at least one location-specific presence of each of a plurality of subscriber communication services (col 5 lines 26-58),

means for identifying the general location of the device (col 5 lines 28-36 and 43-50, col 1 lines 37-40), and

means responsive to the location and the user selecting a specific service to retrieve data indicative of one or more of said presences corresponding to said service (col 1 lines 47-56, col 6 lines 46-53, col 7 lines 1-32).

Regarding claim 2,

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Urabe further discloses means for activating the device using said retrieved data to establish communication with a selected presence (col 7 lines 41-52).

Regarding claim 5,

Urabe further discloses that said information is address information stored in a memory (col 5 lines 21-25, col 6 lines 20-38).

Regarding claims 6, 7 and 10,

Claims 6, 7 and 10 teach a method corresponding to and inherently performed by the system of claims 1, 2 and 5, respectively, and as such, are rejected under the same reasoning as claims 1, 2 and 5 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urabe in view of .

Urabe discloses a subscriber device for providing location dependent system access, comprising

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memory means for storing address data (col 5 lines 21-25, col 6 lines 20-38) indicative of at least one location-specific presence of each of a plurality of subscriber communication services (col 5 lines 26-58),

means for identifying the general location of the device (col 5 lines 28-36 and 43-50, col 1 lines 37-40), and

means responsive to the location and the user selecting a specific service to retrieve data indicative of one or more of said presences corresponding to said service (col 1 lines 47-56, col 6 lines 46-53, col 7 lines 1-32).

Urabe further discloses means for activating the device using said retrieved data to establish communication with a selected presence (col 7 lines 41-52).

Urabe does not disclose that the positioning means is GPS.

Beliveau discloses that GPS is a well-known alternative to terrestrial-based cellular locating (col 2 lines 26-47, col 5 lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art to utilize GPS in the invention of Urabe, as it would provide more precise positioning.

Allowable Subject Matter

5. Claims 3, 4, 8, 9, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3, 8 and 12 teach towards a system and method for providing location dependent service to a subscriber, wherein dependent on position and previously stored information regarding specific presences in specific systems, a user may select a specific presence and establish communication with said presence. Further, responsive to movement of the subscriber into a new system, the subscriber unit will retrieve data corresponding to the new system and compare the new system's information to the presence being currently communicated with.

Claims 4, 9 and 13 further teach that in a case that the new presence differs from the old one, the subscriber unit is transferred to the equivalent service in the new system utilizing the new presence. Claims 3, 4, 8, 9, 12 and 13 teach a series of steps or elements which are neither taught nor suggested by the prior art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naddell et al discusses means for sorting service information via a table in a subscriber device.

Weidemann discusses means for allowing a user to select a particular communication service.

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Murata discusses means for monitoring a current service, and switching services depending on certain criteria.

Hooper discusses selection of a preferred system.

Elzein discusses selection of service based on archived data in a subscriber unit.

Alperovich discusses sorting of service data by systems at a subscriber unit.

Blakeney, II et al discusses choosing of a preferred system service provider.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.


C. Craver
September 25, 2001


TRACY LEGREE
PRIMARY EXAMINER